

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

EAST TEXAS BAPTIST UNIVERSITY,
and
HOUSTON BAPTIST UNIVERSITY,

Plaintiffs,

v.

KATHLEEN SEBELIUS, *et al.*

Defendants.

Civil No. 12-3009

[PROPOSED] ORDER

Having considered Plaintiffs' motion for partial summary judgment and preliminary injunction in the above-captioned case, and this Court having reviewed the papers filed by the parties and heard arguments from counsel, the Court hereby GRANTS Plaintiffs' motion and ORDERS that summary judgment be entered in favor of Plaintiffs on Counts I, II, III, IV, V, VII, and IX of their first amended complaint.

Moreover, the Defendants, their agents, officers, and employees, and others working in concert with them are hereby preliminarily ENJOINED from any application or enforcement of the requirements imposed in 42 U.S.C. § 300gg-13(a)(4), Pub. L. 111-148, §1563(e)-(f), the application of the penalties found in 26 U.S.C. §§ 4980D & 4980H and 29 U.S.C. § 1132, and any other requirement that Plaintiffs or those acting in concert with them (including specifically Plaintiffs' third

party administrators, relevant church plan, or issuers) provide, facilitate, contract for, otherwise enable access to the objectionable drugs or devices.

Date: _____

LEE H. ROSENTHAL
UNITED STATES DISTRICT JUDGE